

OCCUPATIONAL GROUP: Legal

CLASS FAMILY: Hearings and Adjudication

CLASS FAMILY DESCRIPTION:

This family of positions includes those whose purpose is to provide a full and fair hearing and due process of law to entitled parties by utilizing knowledge of legal concepts, terminology, customs, and practice.

CLASS TITLE: Hearings Officer

DISTINGUISHING CHARACTERISTICS:

These positions, under limited supervision, conduct hearings for a state agency. They must be familiar with the federal guidelines, state laws, and precedents relevant to the area of jurisdiction and ensure due process is adhered to. They typically do not have budgetary responsibilities, but some may perform lead worker duties. Perform related work as required.

EXAMPLES OF WORK: *(Any specific position in this class may not include all of the duties listed; nor do the examples listed cover all of the duties which may be assigned.)*

- Presides over and conducts hearings on claims and/or appeals; ensures due process.
- Administers oaths, examines witnesses, and receives testimony in hearing cases; determines credibility of witnesses and weighs evidence.
- Make rulings affecting the competency, relevancy, and the materiality of evidence and motions to be presented.
- Performs research to ensure decisions are based on current policies, regulations, statutes and case law.
- Makes a decision based on law and facts; writes decisions.
- May travel to conduct hearings.
- May assign and review the work of others; may train others.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of the function, organization and regulations of the area of assignment.
- Knowledge of adjudicative guides, operating standards and instructions pertaining to the credence of evidence of testimony.
- Knowledge of terminology and standards related to the area of assignment, medical or psychological, fiscal, and economic implications, vocational information, or legal terminology.
- Ability to evaluate evidence and testimony against appropriate standards.
- Ability to make decisions based on the relative weight of available evidence.
- Ability to set forth findings of facts and decisions clearly and concisely in oral and written form.
- Ability to formulate work procedures.

- Ability to work successfully with state administrative officials, local government officials, company executives, claimants and the general public.
- Ability to communicate effectively, orally and in writing.

MINIMUM QUALIFICATIONS:

Education: Bachelor's degree from a regionally accredited college or university related to legal.

Experience: 2 to 4 years of full-time or equivalent part-time paid experience related to hearing adjudication.

Education & Experience Substitution: Additional qualifying experience as described above may be substituted for the required education on a year-for-year basis. OR 4 to 6 years of full-time or equivalent part-time paid experience related to legal assistant or paralegal may be substituted for required education and experience.

Certificates, Licenses, Registrations: N/A

CLASS TITLE: Hearings and Adjudication Supervisor**DISTINGUISHING CHARACTERISTICS:**

These positions are responsible for the supervision of one of the state's various hearings programs, overseeing hearings officers. They require an extensive knowledge of adjudication principles and practices. Perform related work as required.

EXAMPLES OF WORK: *(Any specific position in this class may not include all of the duties listed; nor do the examples listed cover all of the duties which may be assigned.)*

- Plans, organizes, directs, and supervises the work of subordinate employees; establishes performance measures and ensures measures are adhered to; assures subordinates are trained.
- Provides advice to subordinates and responds to their inquiries.
- Monitors and reviews decisions to ensure compliance and for quality assurance.
- Coordinates schedule of subordinate employees; oversees, and evaluates docket distribution.
- Interprets and oversees adherence to federal and state laws, agency regulations and guidelines for compliance with operational procedures.
- Monitors and evaluates unit operations.
- Assists in the development of policies and procedures.
- May conduct hearings.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of administrative appeals processes, rules, regulations, relevant court orders in area of assignment.
- Knowledge of state and federal laws and regulations relating to area of assignment.

- Knowledge of terminology and standards related to the area of assignment, medical or psychological, fiscal, and economic implications, vocational information, or legal terminology.
- Ability to plan and evaluate the work of others.
- Ability to develop policy and procedure in the area of assignment.
- Ability to coordinate program/services on an inter- and intra- agency level.
- Ability to communicate effectively, orally and in writing.

MINIMUM QUALIFICATIONS:

Education: Bachelor's degree from a regionally accredited college or university related to legal or behavioral science.

Experience: 2 to 4 years of full-time or equivalent part-time paid experience related to legal or behavior science.

Education & Experience Substitution: Additional qualifying experience as described above may substitute for the required education on a year-for-year basis. **OR** Doctor of Jurisprudence degree from a regionally accredited college or university may substitute for the required training and experience on a year-for-year basis. **OR** A Master's degree from a regionally accredited college or university legal or behavioral science field may substitute for the required experience on a year-for-year basis.

Certificates, Licenses, Registrations: N/A

CLASS TITLE: Administrative Law Judge

DISTINGUISHING CHARACTERISTICS:

These positions, at the full performance level, function as law judges in adjudicating cases. They are responsible for complex cases, which have potential for setting legal precedents or may have significant social or economic impact on the issue being adjudicated. Some positions may serve as lead worker. Perform related work as required.

EXAMPLES OF WORK: *(Any specific position in this class may not include all of the duties listed; nor do the examples listed cover all of the duties which may be assigned.)*

- Reviews case file including applications, petitions, exhibits, motions, and other pleadings prior to the hearing; conducts legal research on relevant issues.
- Writes procedural orders setting matters for hearing.
- Presides at pre-hearing conferences; amend pleadings, distribute prepared testimony and exhibits and determine the procedure to be followed at the hearing.
- Conducts administrative hearings; determines evidentiary questions such as admissibility, competency, relevancy, and materiality; administers oaths, examines witnesses, governs the conduct of counsel and controls the making of record.
- Drafts formal decision based on findings of fact and conclusions of law; conducts necessary legal research; cites findings of fact and applicable law.
- Responds to inquiries from the public, attorneys, courts, and the press, relating to hearings and legal issues.

- May assign and review the work of others; may train others.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of the principles of West Virginia law regarding rules of evidence, pleadings and due process.
- Knowledge of the statutes and judicial and administrative decisions interpreting such laws and regulated rules and regulations.
- Knowledge of the constitutional and administrative law applicable to the agency and its proceedings.
- Knowledge of legal research techniques.
- Knowledge of the rules of conduct for formal legal proceedings and hearings.
- Ability to comprehend and apply statutes and judicial and administrative decisions interpreting such laws and related rules and regulations.
- Ability to comprehend and apply the constitutional and administrative law applicable to the agency and its proceedings.
- Ability to preside over formal hearings involving controversial issues with fairness, authority and to sustain a proper judicial temperament.
- Ability to effectively analyze complex testimony and regulatory issues including substantial quantitative information of a technical and financial nature.
- Ability to prepare written opinions and decisions based on findings of fact and conclusions of law.
- Ability to maintain effective working relationships with the public, court officials and attorneys.
- Ability to communicate effectively, orally and in writing.
- Ability to lead the work of others.

MINIMUM QUALIFICATIONS:

Certificates, Licenses, Registrations: Admission to the West Virginia State Bar

Education: N/A

Experience: 2 to 4 years of full-time or equivalent part-time paid experience related to legal.

Education & Experience Substitution: N/A

CLASS TITLE: Deputy Chief Administrative Law Judge**DISTINGUISHING CHARACTERISTICS:**

These positions, under administrative direction, assist the Chief Administrative Law Judge in administrative work and directing and supervising a staff of Administrative Law Judges, ensuring the organizational unit operates efficiently. Perform related work as required.

EXAMPLES OF WORK: *(Any specific position in this class may not include all of the duties listed; nor do the examples listed cover all of the duties which may be assigned.)*

- Assigns cases to law judges and reviews case assignments and advises subordinates on questions of law and procedure.
- Supervises judges and other staff; makes recommendations on personnel matters.
- Reviews recommended decisions of law judges as to form, grammar, syntax, agency policy, legal accuracy and clarity.
- Assists in developing and implementing policies and procedures.
- Reviews case file; conducts legal research on relevant issues.
- Conducts complex administrative hearings; determines evidentiary questions such as admissibility, competency, relevancy, and materiality; administers oaths, examines witnesses, governs the conduct of counsel and controls the making of record.
- Drafts formal decision based on findings of fact and conclusions of law; conducts necessary legal research; cites findings of fact and applicable law.
- Responds to inquiries from the public, attorneys, courts, and the press, relating to hearings and legal issues.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of the principles of West Virginia law regarding rules of evidence, pleadings and due process.
- Knowledge of the statutes, judicial and administrative decisions interpreting such law and related rules and regulations.
- Knowledge of the rules of conduct for formal legal proceedings and hearings.
- Knowledge of the constitutional and administrative law applicable to the agency and its proceedings.
- Knowledge of legal research techniques.
- Ability to oversee the work and staff of Administrative Law Judges and other subordinates.
- Ability to review written decisions of law judges as to proper findings of fact and conclusions of law.
- Ability to effectively analyze complex testimony and regulatory issues including substantial quantitative information of a technical and financial nature.
- Ability to communicate effectively, orally and in writing.
- Ability to maintain effective working relationships with the public, corporate officials, court officials and attorneys.

MINIMUM QUALIFICATIONS:

Certificates, Licenses, Registrations: Admission to the West Virginia State Bar

Education: N/A

Experience: 5 to 7 years of full-time or equivalent part-time paid experience related to legal.

Education & Experience Substitution: N/A

CLASS TITLE: Chief Administrative Law Judge

DISTINGUISHING CHARACTERISTICS:

These positions, under administrative direction, direct and supervise a staff of Administrative Law Judges, ensuring the organizational unit operates efficiently. They have the authority to make determinations for all disputed claims. Perform related work as required.

EXAMPLES OF WORK: *(Any specific position in this class may not include all of the duties listed; nor do the examples listed cover all of the duties which may be assigned.)*

- Supervises Administrative Law Judges and other staff.
- Oversees the work and ensuring compliance; ensures efficiency of the work.
- Performs continuous review of case assignments and advises subordinates on difficult questions of law and procedure.
- Interprets statutes, rules, regulations and case law.
- Assigns cases to individual law judges and assure the appropriate level of legal expertise is given the case.
- Reviews recommended decisions of law judges as to form, grammar, syntax, agency policy, legal accuracy and clarity.
- Confers with the division head to assure the uniform application of agency policies.
- May provide limited budget preparation duties.

KNOWLEDGE, SKILLS AND ABILITIES:

- Knowledge of the principles of West Virginia law regarding rules of evidence, pleadings and due process.
- Knowledge of the statutes, judicial and administrative decisions interpreting such law and related rules and regulations.
- Knowledge of the rules of conduct for formal legal proceedings and hearings.
- Knowledge of the constitutional and administrative law applicable to the agency and its proceedings.
- Knowledge of legal research techniques.
- Ability to supervise and direct the work of Administrative Law Judges and other subordinates.
- Ability to review written decisions of law judges as to proper findings of fact and conclusions of law.
- Ability to effectively analyze complex testimony and regulatory issues including substantial quantitative information of a technical and financial nature.
- Ability to communicate effectively, orally and in writing.
- Ability to maintain effective working relationships with the public, corporate officials, court officials and attorneys.

MINIMUM QUALIFICATIONS:

Certificates, Licenses, Registrations: Admission to the West Virginia State Bar

Education: N/A

Experience: 8 to 10 years of full-time or equivalent part-time paid experience related to legal.

Education & Experience Substitution: N/A